

1 Michael A. Mathews # 049625
2 Law Offices of Michael A. Mathews
3 300 Montgomery Street, Suite 500
4 San Francisco, California 94104
5 Telephone 415 693 0110; Fax 801 640 0411
6 michaelamathews@yahoo.com

7 Attorney for Plaintiff
8 Career Systems Development Corp.

9
10 UNITED STATES DISTRICT COURT
11 NORTHERN DISTRICT OF CALIFORNIA
12

13 CAREER SYSTEMS DEVELOPMENT
14 CORPORATION

15 Plaintiff,

16 vs.

17 AMERICAN HOME ASSURANCE
18 COMPANY, a corporation, DOES 1
19 through 100

20 Defendant

Case No. 3:10-cv-02679-BZ

JOINT MOTION TO EXTEND
EXPERT DISCLOSURE DATES
AND DISCOVERY CUT-OFF DATES

Courtroom: G
Judge: Hon. Bernard Zimmerman
Trial Date: April 30, 2012

21 The parties herein jointly request that certain cut-off dates ordered in the
22 court's Order Scheduling Jury Trial and Pretrial Matters of November 2, 2011 be
23 modified. These requested changes do not affect the current cut-off dates for the
24 hearing of dispositive motions, pretrial conference or trial. Specifically, the parties
25 request that

- 26 1) the expert disclosure date be extended from its present December 16, 2011 to
27 December 23, 2011. If the present date is maintained the parties will have to
28 incur substantial expert witness fee costs starting immediately, which will make
the case far more difficult to settle. It will also require that nonexpert discovery
and expert preparation proceed simultaneously on very tight time schedules,
severely burdening the parties;

Motion To Continue Settlement Conference

- 1 2) the rebuttal expert disclosure date be extended from its present January 6, 2012
- 2 to January 16, 2012;
- 3 3) the close of expert discovery date be extended from its present January 20,
- 4 2012 to January 27, 2012;
- 5 4) the nonexpert discovery cutoff date be extended from its present December 9,
- 6 2011 to December 16, 2011.
- 7

8 If the court wishes to extend the date by which dispositive motions must be
9 heard neither party objects.

10 This is an action for insurance coverage and bad faith turning upon whether
11 Defendant had a duty to defend certain lawsuits that had been brought against
12 Plaintiff, a question of law. As the court notes in its opinion on order on summary
13 judgment, it was understood by the parties and court at the status conference held in
14 February that discovery on the bad faith issues would be put on hold pending the
15 court's ruling on the parties' cross motions for summary judgment on the duty to
16 defend. For this reason the case is in a largely undiscovered posture. At the trial
17 setting conference held on November 1, 2011 the court indicated that it would order
18 that trial commence on April 30, 2012, to which neither party objects, but the
19 disclosure and cut-off dates at issue here were not made known to the parties until
20 receipt of the court's November 2 written order. The parties had not anticipated expert
21 disclosure and discovery cutoff dates anywhere near so short. Since Rule 26 requires
22 that expert disclosures be accompanied by a statement of the full opinions and
23 conclusions of the expert, and because no expert had been retained as of the time of
24 the scheduling order, this means, for plaintiff particularly, that preparing the expert
25 must begin immediately, before settlement can be meaningfully explored, as the
26 expert must immediately familiarize himself with the relevant facts (two large claims
27 files worth) and law of the case, and some of the facts will only have been discovered
28 via deposition as late as December 9, just seven days before his report is due. This is

1 very burdensome on the parties, especially Plaintiff, whose attorney is a sole
2 practitioner. And the rapidly mounting discovery and expert costs will harm the
3 prospects for settlement.

4 For these reasons both parties respectfully request that the dates assigned be
5 extended as set out above.

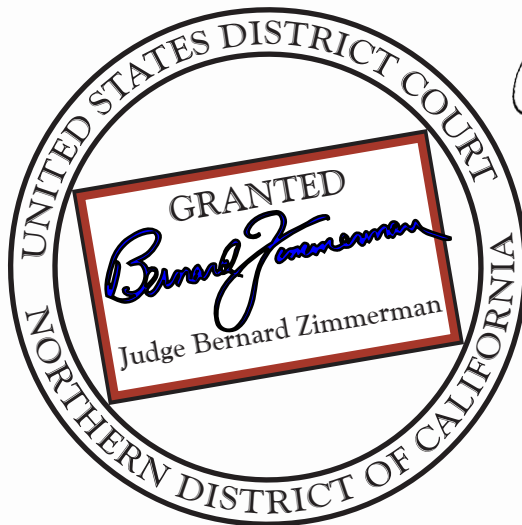
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7 Dated: November 11, 2011

8 LAW OFFICES OF
9 MICHAEL A. MATHEWS

10 By: _____
11 Michael A. Mathews
12 Attorney for CAREER SYSTEMS
13 DEVELOPMENT CORPORATION

14 DATED: 11/16/2011

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Motion To Continue Settlement Conference